

November/December 2004



CM/ECF NEWS U.S. BANKRUPTCY COURT WESTERN DISTRICT OF NY

E-Filing of Amendments to Petitions and Case-Preparation Software

Attorneys using “case-preparation software” are cautioned about using the “one touch upload” feature to e-file amendments.

To e-file an amendment to a petition that was originally filed by a case preparation software program, please follow the steps below:

Prepare your amendment, and then manually (not through your case preparation software) log in to CM/ECF and manually file the amendment using these events:

Bankruptcy>Other>Amendment(Fee)

or

Bankruptcy>Other>Amendment(No Fee Due).

Please **do not** attempt to use your automatic upload feature, as this will result in the filing of a whole new case and being charged the subsequent filing fee. The Clerk does not have the authority to refund filing fees even for cases or pleadings clearly entered in error by a party, so this could be a very costly mistake. Please refer to your case upload software instructions and call the Court with any questions before attempting to file. It is advisable to practice any new event in the Court’s training database before attempting to file papers in the “live” system.

Redundant Paper Notices From Court - Discontinuation

Administrative Order No. 6 directs the Clerk of Court to discontinue the practice of sending redundant paper notices to registered CM/ECF e-filers through the Bankruptcy Noticing Center (BNC), except for the “*Notice of the Meeting of Creditors*” which will continue to be sent in paper through the BNC. The Clerk of Court will establish an opt-out procedure to ensure that redundant paper notices are sent through the BNC to any registered CM/ECF e-filer requesting such, in writing. The Order becomes effective December 1, 2004.

Courtesy Copies to U.S. Trustee

The U.S. Trustee (UST) has requested to be added as a party in all Chapter 11 cases, and certain other cases in which the UST has an interest. The US Trustee will accept e-service of documents transmitted electronically in cases in which they are a party. In cases in which the UST is not a party, transmission of pleading, motion papers, objections and other documents required by the Bankruptcy Rules must be accomplished conventionally in paper. Please note that the UST is not automatically added as a party in every case; therefore they will not receive e-service/notice.

To determine which parties are registered e-filers in a particular case before filing a

Courtesy Copies to U.S. Trustee continued

motion, pleading, etc. please select **Query** on the CM/ECF menu bar. Next enter the case number and click on “**elect Mailing Information**” A list of parties who will receive e-service/notice for that case will be displayed.

PACER Fee Changes

The Judicial Conference, at the September 21, 2004 session, amended the language of Section I of the Electronic Public Access schedule for appellate, district and bankruptcy courts. The amendment increases the PACER internet access fee from seven (7) cents per page to eight(8) cents per page. The maximum charge for each document is \$2.40. The fee increase will be effective on January 1, 2005.

E-Filing a Letter With the Court

To e-file a letter with the Court, please follow the instructions below:

Bankruptcy>Other>Letter

If the letter refers to a previously filed document, please place a checkmark in the **Refer to Existing Event(s) Box**, then select the correct document of reference. If the letter does not refer to a previously filed document, leave the box blank, and give a brief description of the letter in the text window.

Pop-Up Blockers

Many internet browsers contain a pop-up blocker which prevent advertisements from appearing during your internet session. This is an excellent feature, however, it can cause you some difficulties in paying your internet filing fees. The blocker often interprets the Court’s credit card payment screen as a pop-up advertisement and therefore you are unable to obtain the screen and pay your filing fees. The following instructions will allow your blocker to except the Court’s payment screen:

Internet Explorer: Select **Tools>PopUp Blocker>Popup>Blocker Settings>Address of website to allow:** ecf.nywb.uscourts.gov.
FireFox: Select **Tools>Options>Web Features**. Check to make sure the “Block Pop-Up Windows” box is checked, then select “Allowed Sites” and add to the **Address of website:**ecf.nywb.uscourts.gov.

Attorney Address Changes

Please remember to notify the Court of any change in mailing and/or e-mail addresses for attorneys or staff members in your office. The Notice of Electronic Filing is the service of documents by electronic means. It will not be received if the e-mail address is incorrect or the e-mail box is full. Please be aware that most free e-mail programs (eg yahoo.com) offer limited storage space for incoming e-mails. Depending on your case activity the volume of notices may exceed your free e-mail box’s capacity. A Notice of Change of Address form is available on the Court’s website under the “local forms” section.